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COURT OF APPEALS

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IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON

BY Case No. 34353-3
DEPUTY

STATE OF WASHINGTON,

RESPONDENT,

Vs.

William Matthews,

Appellant,

On Appeal from the Superior Court
of the state of Washington
For the County of Pierce

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

William Matthews
WILLIAM MATTHEWS#851004/A-G-4
Clallam Bay Corrections Center
1830 Eagle Crest Way
Clallam Bay, Wa 98326

PM 9/25/04

COURT OF APPEALS
STATE OF WASHINGTON
DIVISION TWO

State of Washington,)	
)	Cause No. 34353-3
Respondent.)	
)	STATEMENT OF ADDITIONAL
)	GROUND FOR REVIEW
Vs.)	RAP 10.10
)	
)	
William Matthews,)	
)	
<u>Defendant.</u>)	

I William Matthews have received and reviewed the opening brief prepared by my attorney, Summarized below are additional grounds for review that are not addressed in that brief. I understand the court will review this statement of additional grounds for review when my appeal is considered on the merits. Please give consideration to the fact that I am not an attorney filling this action pro se and respectfully request that this court afford liberal Construction to this pleading, in keeping in accordance with Haines v.Kerner, 404 U.S. 515, 30 L.Ed. 2d 652, 654, 92 S.Ct 594(1972) where pro se pleadings were held to "less stringent standards than formal pleadings drafted by lawyers.

ADDITIONAL GROUNDS ONE

Comes Now Petitioner/Appellant Mr. William Matthews and present the issue and argument; that there was insufficient evidence to support a conviction for second degree assault when the state failed to present evidence that proves beyond a reasonable doubt that Mr. Matthews assaulted Ms. Angela Hicks. see (Report Of Proceedings Volume IV; at P-132 line 15-25 and P-133 line 1-5).

Mr. Matthews was charged and convicted with violating RCW 9A.36.021(1)(c); which read in pertinent part:

A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree; RCW 9A.36.021(c) also reads: Assault another with a deadly weapon.

Mr. Matthews argues, the state failed to produce any evidence that would have supported the charge of second degree assault with a deadly weapon. the state has failed to prove every element of the crime under the proper standard of proof. see Cabana v. Bullock, 474 U.S. 376, 106 S.Ct. 689, 88 L.Ed.2d 704(1986); "A jurys' verdict cannot stand, if the instructions provided to the jury do not require it to find each element of the crime under the proper standard of proof." see U.S v. Musgrave, 444 F.2d 755 (5th Cir.1971) U.S. v. Chambers, 922 F.2d 228 (5th Cir.1999) and U.S. v. Mollier, 853 F.2d 1169 (5th Cir.1988). Failure to instruct the jury on all elements of an offense is

constitutional error, because it precludes the jury from finding each fact necessary to convict a defendant. such error is plain and cannot be harmless.

Based on the elements set-out in RCW 9A.36.021(1):
Second degree assault can be committed, among other ways, by (1) an assault that recklessly inflicts substantial bodily harm,(2) an assault with a deadly weapon,(3) an assault with intent to commit a felony, or (4) knowingly inflicting bodily harm that produces pain equivalent to torture.

The state must fail here, because, one the victim/witness was never touched to cause inflicting bodily harm by any means, and two the victim/witness never came in contact with Mr.Matthews, the victim/witness testimony clearly alleges that she/he never saw a gun or weapon in Mr.Matthews position. see victim/witness testimony at (RP-Vol-IV; at P-132 line 15-25 and P-133 line 1-5) which reads in part:

Angela Hicks testimony:

(Q). You never saw the person that fire the shoots, correct ?

(A). uh-huh.

(Q). were the shots fired from the passanger sider or the driver side ?

(A). I don't know. I didn't see that.

(Q). You didn't see a gun. you didn't see a flash from a gun ?

(A). No.

Angela Hicks testimony continue on page 133 of Vol-IV RP;
line 1-5:

(Q). No Bullets went inside the house ?

(A). Not inside the house.

(Q). In fact, to your knowledge, no bullets even hit the house ?

(A). To my knowledge.

Angela Hicks' testimony was followed by testimony of witness Mr.Erik Fanshier alleging:

(Q). You never saw the gun, I take it ?

(A). The gun.

(Q). Yes, that fire the shots ?

(A). No.

(Q). You never saw a flash from the gun ?

(A). No, never.

(Q). All you did was hear the shots, you didn't see anything?

(A). All I did was hear the shots', I didn't see no.

testimony continue of Erik Fanshier at Page-156; Vol-IV;
line 1;

(A). I heard three rounds, thats it, I didn't hear, didn't see I heard but--.

(Q). None of the shots went into the house, I take it ?

(A). I don't know, I've never seen the reports of people-- I don't know, I don't see no shots like fly by my head or break a window or anything.

(Q). You never saw a gun pointed at you ?

(A). No, it couldn't have, that was outside, I was inside.

Based on the above testimony, the state has not even met the alternative requirements of "substantial bodily harm" of intentional touching that recklessly inflicts substantial bodily harm, the state has not proven that Mr.Matthews committed a crime of second degree assault with a deadly weapon, just because of his recklessly discharging of a fire-arm. Displaying a weapon, without any actions indicating that its use is imminent, does no constitute an

assault. see State v. Murphy, 7 Wn.App. 505, 511-12, 500 P.2d 1276, 1281-82(1972). see also (1 R. Anderson, Wharton's Criminal law and Procedure 687(1957) Until the execution of violence menaced has begun there can be no assault.

As stated above in the victim/witness testimony, they never saw Mr. Matthews or a gun, therefore, Mr. Matthews actions does not constitute assault.

There was also an investigation report presented in the case pointing out through law-enforcement testimony that there was no bullets in the alleged victim/witness Angela Hicks house. see (RP-Vol-VI; at P-350 line 1-7) officer "Khana Phan" testifies alleging:

(Q). What about going around the house like in the back or on the sides ? Did you do that too?

(A). Yes. I looked around the house to make sure, like I say there's no holes going through the house, I was looking for bullet holes.

(Q). I see, you didn't see any, though ?

(A). No.

The law is clear in State v. Murphy, supra at 512: a person cannot be guilty of assault until the execution of violence menaced has begun. Therefore, Mr. Matthews cannot be guilty of second degree assault just because he fired a gun in a residential neighborhood. However, a party can be guilty under the alternative if an intended physical contact occurs indirectly. see State v. Johnson, 85 Wn.App. 549, 554-55, 933 P.2d 448, 450(1997) physical contact occurs if it

comes about in an unintended way. for example, a person is guilty of an assault if he or she shots at someone and misses, but hits a window, and the broken glass from the window strikes the victim, assault has occurred. see **State v. Bland**, 71 Wn.App. 345,356-58, 860 P.2d 1046, 1052 1053 (1993). In Matthews case, no one was touched, or scene in this case, no glass was broken out the house, there has never been any physical contact made period.

The state has failed to show that Ms. Angela Hicks or any one in her house came in contact with Mr. Matthews on the date of the alleged incident. see (RP-Vol-IV; at P-132 line 15-25) testimony of Angela Hicks stating:

(Q). You never saw the person that fire the shots, correct ?

(A). uh-huh.

(Q). Were the shots fired from the passenger side or the drivers side ?

(A). I don't know, I didn't see that.

(Q). You didn't see a gun, you didn't see a flash from a gun ?

(A). No.

The test for determining the sufficiency of evidence is whether, after viewing the evidence in a light most favorable to the state, a rational trier of fact could have found the essential elements of the crimes charged beyond a reasonable doubt. see **State v. Salinas**, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992),

Here, there is no evidence to support the conviction of

second degree assault, the record is void that Mr. Matthews touched Ms. Hicks or even shot at Ms. Hicks. See State v. - Austin, 65 Wn.App. 759, 761, 762, 831 P.2d 747(Wn.App. 5-4-1992) here the court held:

Normally, when the trial court fails to enter a finding as to an element of the charged (vacation) and remand, not reversal, is the appropriate disposition" State v. Jones, 34 Wn.App. 848, 851,(1983). However, if the records is devoid of any evidence to support the omitted finding, then reversal is appropriate.

The prosecutor ignored the testimony given by victim/witnesses Angela and Erik, followed by law-enforcement testimony, no one made contact with Mr. Matthews or saw Mr. Matthews with gun or weapon. see State v. Workman, 90 Wn.2d 443, 447-48, 584 P.2d 382(1978) here court held:

A lesser included offense instruction is proper when (1) each of the elements of the lesser offense is a necessary element of the offense charged (A legal prong); and (2) the evidence supports an inference that the lesser crime was committed (A factual prong) State v. Workman, 90 (1978).

The prosecutor seriously violated Mr. Matthews rights to a fair trial. The Supreme court has stressed on several occasions that "Constitution entitles a criminal defendant to a fair trial, not a perfect one. Delaware V. Vanarsdall, - 475 U.S. 673 (1986); see also United States v. Hastings 461 U.S. 499, 508-09(1983); Bruton V. United States, 391 U.S. 123, 135(1968).

In Mr. Matthews case, he was deprived of a fair trial, the prosecutor over charged Mr. Matthews, failed to properly

instruct the jury of every element and inform the jury that if a lesser included offense could be drawn the jury should consider the lesser offense. see Workman, supra at: 447-448;. Mr. Matthews actions when displaying or discharging a fire-arm in a residential neighborhood does not constitute assault, the lesser included offense in Mr. Matthews case would have been the appropriate charge "**Reckless Endangerment**" based on the above testimony and lack of evidence.

Mr. Matthews actions only amounted to "Reckless" pursuant to RCW 9A.08.010(c) which reads in pertinent part:

A person is reckless or acts recklessly when he knows of and disregards a substantial risk that a wrongful act may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation.

Mr. Matthews should not have been charged with second degree assault, because "**Reckless Endangerment**" is a lesser included offense of second degree assault as charged in Mr. Matthews case, and because the offense charged involved all the same basic set of facts, therefore, Mr. Matthews conviction cannot stand on the current testimony: no one was shot at or assaulted in Mr. Matthews case. Accordingly, the conviction should be reversed and charges reduced to "**Reckless Endangerment**" RCW 9A.36.050 that reads:

(1) A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person, (2) reckless

endangerment is a gross misdemeanor

see, State v. Miller, No.42699-1-I(Wn.App.Div-1,6-1-1999)

Miller is an unpublished case that reads:

Second degree assault as charged in this case, an assault committed with a deadly weapon, requires(1) an intentional act, with unlawful force,(2) with a deadly weapon and(3) the victims apprehension and fear of bodily harm, on there hand, second degree reckless endangerment requires(1) reckless conduct and(2) a substantial risk of death or serious physical injury to another person.

On appeal an appellate court should disturb a trial court judgment only when the proceeding taken as a whole, can be said to have resulted in a denial of substantial Justice or involved a serious departure from established procedure. "Reckless endangerment" was the appropriate charge in Mr.Matthews case, and this court shall not departure from the established law and authority in Austin, Workman, and Miller, because the law requires a lesser included when the same basic set of facts are present. In Matthews case reversal is appropriate here.

CONCLUSION

BASED on the testimony given by Angela, Erik and officer Khana Phan, and the lack of any evidence presented by the state, this court should reverse Mr.Matthews conviction with order's to dismiss all charges First and second degree assault due to insufficient evidence to support the charges, and reverse for given the jury inappropriate jury instructions. Reverse is warrant.

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ADDITIONAL GROUNDS TWO

Comes Now Petitioner/Appellant Mr. William Matthews, and present the issue and argument; that he was deprived of a constitutional right to a timely and speedy trial under the United States and Washington constitutional laws and statutes pursuant to CrR 3.3.

Standard of Procedure

The right to a speedy trial operates as a control on the time limits by which most stages of a criminal proceeding must occur. The right may be asserted generally through the United States and Washington state constitution or statutes and laws CrR 3.3.

There are two different situations in which the right to a speedy trial will be asserted, the **FIRST**; is where a defendant wishes to have a speedy trial, and the **SECOND**; is where a defendant is claiming that the right to a speedy trial has been denied in order to obtain dismissal of the charges or information.

Although Mr. Matthews is guaranteed the right to a speedy trial, the burden is on Mr. Matthews to establish its violation during the pretrial court proceedings.

Upon Mr. Matthews being arrested and later charges filed against his person, Mr. Matthews invoked his sixth amendment rights to have a speedy trial a trial by jury. However, during the course of Mr. Matthews pretrial proceedings, the

ARGUMENT FOR REVIEW

The state requested several continuances during pretrial proceedings, upon requesting a third continuance the Honorable Superior Court Judge Ms. Beverly Grant intervened, Ms. Grant informed the prosecutor that Mr. Matthews speedy trial rights were at issue and the fact that Mr. Matthews has been in custody since his arrest on these charges and the state has failed to secure the states witness is no fault of Mr. Matthews. However, Judge Beverly Grant did set forth in a written order; "the state had (72) hours to secure the states witness or the state would have to release Mr. Matthews from custody. See (Clerks Papers-Page-20). see State v. Wake, 56 Wn.App. 472,475, 783 P.2d 1131(1989) citing state v. Peres-Sanches, No.19164-4-II(Wn.App.Div-2 12/30/1996) 1066485 here court held:

When a criminal charge is not brought to trial within the speedy trial period, CrR 3.3(i) requires that the charge must be dismissed with prejudice. A defendant not release from jail pending trial must be brought to trial no later than 60 days after arraignment CrR 3.3(c)(i).

Mr. Matthews argues the superior court is to interpret the court rules as if they were drafted by the legislature; thus principles of statutory construction apply when considering CrR 3.3 . see State v. Greenwood, 120 Wn.App. 585592, 845 P.2d 971(1993). Our analysis must construe the following portions of CrR 3.3:

(d)(8) Five day Extensions. When a trial is not begun on the date set because of unavoidable or unforeseen

circumstances beyond the control of the court or the parties, the court, even if the time for trial has expired, may extend the time within which must be held for no more than 5 days exclusive of Saturdays, Sundays, or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension.

If the nature of the unforeseen or unavoidable circumstance continues, the court may extend the time for trial in increments of not to exceed 5 days exclusive of Saturdays, Sundays, or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension.

IN Mr. Matthews case, honorable Judge Beverly Grant set forth in writing a written order stated: "the state had (72)hours to secure the states material witness, or Mr. Matthews is to be released. see (Clerks-Papers Page-20).

Rather than release Mr. Matthews, the prosecutor opted to exercise the fiction of "CrR 3.3(f)(2) Continuance, the continuance was granted in violation of Mr. Matthews speedy trial rights, after a written order was entered by Judge Ms. Beverly Grant. This order was construed last continuance.

Rather than seek dismissal of the charges against Matthews based on a previous statement by the prosecutor; "contact was made with the witness and its the states belief the witness does not wish to attend the court proceedings".

The prosecutor abused its power's when another Judge set in on the case not clearly aware of the previous order set out by honorable judge Beverly Grant; " that the prosecutor

is to release Mr. Matthews within (72) hours if the witness doesn't show. Here the record is void of any attempt by the state to issue a legal subpoena. see (Filing list for cause No. 05-1-03983-5: Matthews, William Louis); 8-Pages. Ex 1, see also State v. Adamski, 111 Wn.2d 574, 761 P.2d 621 (Wn.App. 9/29/1988) Herre the court held:

A subpoena may be served by any person over 18 years of age, by exhibiting and reading it to the witness, or by giving him a copy thereof, or by leaving such copy at the place of his abode...

The state's failure to properly serve a subpoena on its key witness fell below the "due diligence" necessary to justify a continuance, We reverse.

The failure to cause a subpoena to issue clearly constitutes such a lack of diligence as to justify the denial of a motion for a continuance.

The prosecutor over powered the defendant by requesting another continuance through a new Judge, knowing the continuance was prejudice to Mr. Matthews defense, and the fact a written order was entered by Judge Beverly Grant clearly violates Mr. Matthews speedy trial rights. Furthermore, the record is not supported by the state seeking a continuance to clarify the crime labs report that's been in the states position for several months. see crime lab report.

The record does not support the prosecutor or courts application of CrR 3.3(e)(8); there was never any mention to either defense or the courts the prosecutor would seek clarification of the crime labs report, the continuance was clearly a violation of Mr. Matthews speedy trial rights.

See State v. Wake, 56 Wn.App.472,475, 783 P.2d 1131(1989)

citing Peres-Sanches, supra, Here the court held:

Continuance due to unavailability of state's crime lab witness was abuse of discretion where the state knew that witness would be unavailable and failed to issue a subpoena or make alternate arrangements.

Here the record is devoid of deficiency in the crime labs report, the prosecutor actions' knowingly violated and prejudiced Mr. Matthews rights to a speedy trial without unnecessary delays, the continuances to clarify the crime labs report was not supported by facts of record before Judge Beverly Grant gave her order to proceed in the case without further delays after (72)hours of seeking to secure states witness (Wanda Wilson) who is not on the state's subpoena list. see (Filing list for cause No.05-1-03983-5:- William, Louis Matthews- 8-Pages) attached hereto as Ex 1 .

see also CrR 3.3(f)(2) continuance; reads:

Motion by the court or a party on motion of the court or a party, the court may continue the trial date to a specified date when such continuance is required in the administration of justice and the defendant will not be prejudiced in the presentation of his or her defense. The motion must be made before the time for trial has expired. The court must state on the record or in writing the reasons for the continuance.

see also CrR 3.3(g) Cure period: reads:

The court may continue the case beyond the limits specified in section(b) on motion of the court or a party made within five days after the time for trial has expired. Such a continuance may be granted only once in the case upon a finding on the record or in writing that defendant will not be substantially prejudiced in the presentation of his or her defense.

In Mr. Matthews case, the court supported its reason for the last continuance, " the case has been delayed due to several continuances to secure the states witnesses and Mr. Matthews been in custody since his arrest. see (Clerks-papers at Page-20).

The prosecutor violated CrR 3.3(f)(2); and CrR 3.3(g) there was no findings to continue the case to clarify crime labs report. The prosecutor violated judges deadline. see State v. Wake, supra citing State v. Snow, No.24240-1-II (Wn.App.Div-2, 2/7/2001) Here the court held:

NonCompliance with the deadline requires dismissal with prejudice. But certain circumstances may toll or extend the speedy trial period., see, e.g., CrR 3.3(d)(8) and (h)(2).

The granting or denial of a continuance rest within the sound discretion of the trial court and is reviewable on appeal only for manifest abuse of discretion. see State v. Eller, 84 Wn.2d 90, 524 P.2d 242(1974).

The state clearly prejudiced Mr. Matthews case with two continuances and delays even after the state was able to get the witness in court, the witness perjured herself. see the witness signed affidavits give two different stories of events: stating Mr. Matthews was not the person whom the state alleged to have committed the crime in question. see Ex 2 . The trial Judge also had doubts that Mr. Matthews had committed a crime. See (RP-Vol-VI ;Pages 685 line 6-8).

CONCLUSION

Mr. Matthews ask that his convictions and charges be reversed and dismissed for violations of his rights to a speedy trial, insufficient evidence to support any of the charges filed against him in the superior court.

Based on the facts set-forth in defendants brief on additional grounds one and two followed by Washington states Authority, report of proeedings, clerks papers and exhibits, affidavits, Mr. Matthews ask this court of Appeals to reverse and dismiss all charges.

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Dated this 24 day of September, 2006. Respectfully Submitted

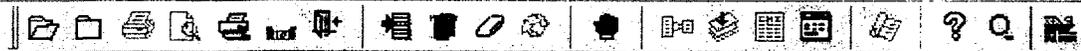
William Matthews
WILLIAM L. MATTHEWS #851004
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Exhibit 1



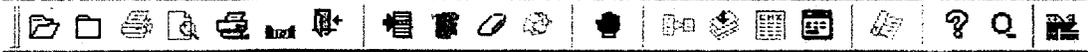
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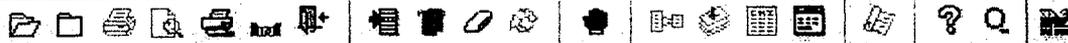
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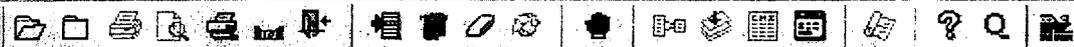
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01/03/06	RTSB	RETURN ON SUBPOENA, WATTERS		Public		<input type="checkbox"/>
01/03/06	PLPIN	PLAINTIFF'S PROPOSED INSTRUCTIONS		Public		<input type="checkbox"/>
01/04/06	ORAJS	ORDER ALLOWING JURY TO SEPARATE		Public		<input type="checkbox"/>
01/04/06	PCS	PEREMPTORY CHALLENGE SHEET		Public		<input type="checkbox"/>
01/04/06	JYP	JURY PANEL		Public		<input type="checkbox"/>
01/04/06	JYPSL	JURY PANEL SELECTION LIST		Public		<input type="checkbox"/>
01/04/06	ORSJQ	ORDER SEALING JUROR QUESTIONNAIRES		Public		<input type="checkbox"/>
01/04/06	SJQ	SEALED JURY QUESTIONNAIRES		Sealed		<input type="checkbox"/>

138 Rows retrieved.



Date:	Code:	Description:	Image	Classification	Microfilm #	Notes
01/05/06	STP	STIPULATION		Public		
01/05/06	LTR4	LETTER FROM DEPARTMENT 4		Public		
01/05/06	ORSD	ORDER SEALING DOCUMENT		Public		
01/05/06	LTR	LETTER FROM BARBARA PETTIGREW		Sealed		
01/09/06	RTSB	RETURN ON SUBPOENA		Public		
01/09/06	RTSB	RETURN ON SUBPOENA		Public		
01/09/06	DFPIN	DEFENDANT'S PROPOSED INSTRUCTIONS		Public		
01/11/06	RTSB	RETURN ON SUBPOENA PENNINGTON		Public		
01/11/06	PLPIN	PLAINTIFF'S PROPOSED INSTRUCTIONS		Public		
01/11/06	RTSB	RETURN ON SUBPOENA		Public		
01/11/06	WTRC	WITNESS RECORD		Public		
01/11/06	LTR4	LETTER FROM DEPARTMENT 4		Public		
01/12/06	ORCTD	ORDER FOR CONTINUANCE OF TRIAL DATE		Public		
01/12/06	INFOC	CORRECTED AMENDED INFORMATION		Public		
01/17/06	ORECRP	ORDER ESTABLISHING CONDITIONS OF RELEASE		Public		
01/17/06	ORH	ORDER FOR HEARING		Public		
01/17/06	CME	CLERK'S MINUTE ENTRY		Public		
01/17/06	NOTE	QUESTION FROM JURY		Public		
01/17/06	EXRV	EXHIBITS RECEIVED IN VAULT		Public		

138 Rows retrieved.



Date:	Code:	Description:	Image	Classification	Microfilm #	Notes
01/17/06	CTINJY	COURT'S INSTRUCTIONS TO JURY		Public		
01/17/06	VRD	VERDICT FORM A, GUILTY CNT I		Public		
01/17/06	VRD	VERDICT FORM B, NOT GUILTY CNT II		Public		
01/17/06	VRD	VERDICT FORM C, GUILTY LESSER CNT II		Public		
01/17/06	VRD	VERDICT FORM D, GUILTY CNT III		Public		
01/17/06	VRD	VERDICT FORM E, GUILTY CNT IV		Public		
01/17/06	VRD	VERDICT FORM F, UNSIGNED		Public		
01/17/06	SVRD	SPECIAL VERDICT FORM		Public		
01/17/06	SVRD	SPECIAL VERDICT FORM		Public		
01/27/06	CME	CLERK'S MINUTE ENTRY		Public		
01/27/06	EXRV	EXHIBITS RECEIVED IN VAULT		Public		
01/27/06	MMPA	MEMORANDUM "STATES"		Public		
01/27/06	STPPR	STIPULATION TO PRIOR RECORD		Public		
01/27/06	JDSWCD	JUDGMENT & SENTENCE & WARRANT OF COMMITME		Public		
01/27/06	ACAT	NOTICE/ADVICE OF COLLATERAL ATTACK		Public		
01/27/06	ORBS	ORDER FOR BIOLOGICAL SAMPLE		Public		
01/27/06	NACA	NOTICE OF APPEAL TO COURT OF APPEALS		Public		
01/27/06	MTAFIND	MOTION AND AFFIDAVIT OF INDIGENCY		Public		
01/27/06	ORIND	ORDER OF INDIGENCY		Public		

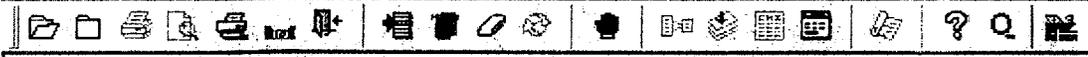
138 Rows retrieved.



Date:	Code:	Description:	Image	Classification	Microfilm #	Notes
01/31/06	TRLC	TRANSMITTAL LETTER COPY FILED		Public		<input type="checkbox"/>
01/31/06	ORNCCS	ORDER PROHIBITING CONTACT SENTENCING		Public		<input type="checkbox"/>
01/31/06	ORNCCS	ORDER PROHIBITING CONTACT SENTENCING		Public		<input type="checkbox"/>
02/06/06	NTAPAC	NOTICE OF APPOINTMENT OF APPELLATE COUNSEL		Public		<input type="checkbox"/>
02/09/06	PNCA	PERFECTION NOTICE FROM COURT OF APPEALS		Public		<input type="checkbox"/>
03/06/06	CB	COST BILL		Public		<input type="checkbox"/>
03/08/06	DSGCKP	DESIGNATION OF CLERK'S PAPERS		Public		<input type="checkbox"/>
03/16/06	CLPP	CLERK'S PAPERS PREPARED		Public		<input type="checkbox"/>
03/16/06	INDV	INDIGENCY BILLING VOUCHER		Public		<input type="checkbox"/>
03/16/06	CLP	CLERK'S PAPERS SENT		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *12-14-05*VOL1		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-03-06*VOL2		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-04-06*VOL3		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-05-06*VOL4		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-09-06*VOL5		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01*10*06*VOL6		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-11-06*VOL7		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01*12*06*VOL8		Public		<input type="checkbox"/>
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-13-06*VOL9		Public		<input type="checkbox"/>

138 Rows retrieved.

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Date:	Code:	Description:	Image	Classification	Microfilm #	Notes
03/06/06	CB	COST BILL		Public		
03/08/06	DSGCKP	DESIGNATION OF CLERK'S PAPERS		Public		
03/16/06	CLPP	CLERK'S PAPERS PREPARED		Public		
03/16/06	INDV	INDIGENCY BILLING VOUCHER		Public		
03/16/06	CLP	CLERK'S PAPERS SENT		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *12-14-05*VOL1		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-03-06*VOL2		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-04-06*VOL3		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-05-06*VOL4		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-09-06*VOL5		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01*10*06*VOL6		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-11-06*VOL7		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01*12*06*VOL8		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-13-06*VOL9		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-17-06*VOL10		Public		
05/08/06	VRPT2	VERBATIM REPORT TRANS TO DIV II *01-27-06*VOL11		Public		
05/22/06	TRLCVP	TRANSMITTAL LETTER VRP COPY FILED		Public		
08/29/06	LTR4	LETTER FROM DEPARTMENT 4		Public		
09/11/06				Public		

138 Rows retrieved.

DECLARATION OF: Lawanda Wilson

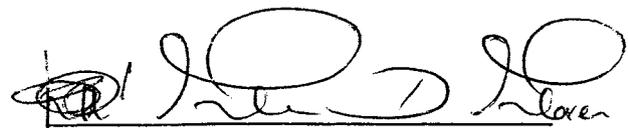
I, Lawanda Wilson, hereby declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

On the day of August 11th 2005 I was assaulted. William Mathews was not involved. He was staying at my home. Sometimes but was not at my home on that morning. MR. Sanders ^{was} ~~was~~ who I haven't seen since this incident is the person responsible for this incident. On the morning of the 11th, I don't recall giving the police permission to enter my home.

DATED this 7 day of November, 2005, at Tacoma, Washington.

(SOCIAL SECURITY #)

Lawanda Wilson
(SIGNATURE)


(WITNESS SIGNATURE)

(253) 581-9859
(TELEPHONE NUMBER)

Glenn D. Glover
(PRINTED NAME)

3319 92nd St. So.
(ADDRESS)

Lakewood, Wa 98499
(CITY, STATE, ZIP CODE)

Exhibit 2

DECLARATION OF:

I, Lawanda Wilson hereby declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

On the night of August 5th. Sanders and I were arguing. William Mathews was at my home earlier that night. Sanders was my boyfriend at the time. I never stated William Mathews was anywhere around. There was some paperwork in my bedroom with his name on it which they might of got it from Sanders and I were fighting that night but nobody drove me to Mrs. Hicks house and did any shooting at anytime.

DATED this 7 day of November, 2005, at Tacoma, Washington.

(SOCIAL SECURITY #)

Lawanda Wilson
(SIGNATURE)

253 581-9859
(TELEPHONE NUMBER)

Glenn D. Glover
(WITNESS SIGNATURE)

3319 92nd St. Su.
(ADDRESS)

Glenn D. Glover
(PRINTED NAME)

Lakewood, WA 98499.
(CITY, STATE, ZIP CODE)

IN THE COURT OF APPEALS
FOR THE STATE OF WASHINGTON
AT DIVISION TWO

CAUSE NO. 34353-H

PROOF OF SERVICE

FILED
COURT OF APPEALS
06 SEP 26 PM 12:34
STATE OF WASHINGTON
DEPT. OF

I, William Matthews, pro se, do declare that on the 29 day of SEPTEMBER, 2006 I have served the enclosed

STATEMENT OF ADDITIONAL Ground For REVIEW RAP 10.10 (15 Page Brief and Attached filing list of William Matthews Cause 05-1-0398235) and Affidavits of Lawanda Wilson.
on ever other person required to be served, by presenting an envelope to state prison officials at the Clallam Bay Corrections Center, containing the above documents for U.S. mailing properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

LAW OFFICE OF REED SPEIR
REED SPEIR 3800 BRIDGEPORT WAY
WEST, STE. A #23 UNIVERSITY PLACE WA
98466, COURT OF APPEAL DIVISION-II 950
BROADWAY STE 300 TACOMA, WASHINGTON 98402-3694

I declare under penalty of perjury under the laws of the State of Washington, pursuant to RCW 9A.72.085, and the laws of the United States, pursuant to Title 28 U.S.C. § 1746, that the forgoing is true and correct.

Executed on this 29 day of SEPTEMBER, 2006

William Matthews
Pro se

Clallam Bay Corrections Center
1830 Eagle Crest Way
Clallam Bay, WA 98326-9723